

SEP 12 2005

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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
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EDWARD B. EVANS 1936-1971

September 12, 2005

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FACSIMILE COVER SHEET

To: Examiner Peter J. Vrettakos
Group Art Unit: 3739
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax: (571) 273-8300

From: William R. Allen, Ph.D.

Re: US Application Serial No. 10/072,610
Filed February 6, 2002
Title: HANDPIECE FOR
TREATMENT OF TISSUE
Applicants: Stern, et al.
Atty Docket: 39238-0747 (THERM-06)

Pages: 29 (including cover sheet)

MESSAGE/COMMENTS

Please see the attached Amendment Transmittal (in duplicate) and Amendment Under 37 CFR §1.111 for filing in connection with the above-referenced application.

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PATENT

I hereby certify that this correspondence is being sent via
facsimile transmission to: Mail Stop Amendment,
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450, Attention: Examiner Peter J. Vrettakos; Fax
Number: (571) 273-8300 on September 12, 2005.

William R. Allen

William R. Allen, Reg. No. 48,389

12 September 2005

Date

Applicants: Stern et al.
Serial No: 10/072,610
Filing Date: February 6, 2002
Art Unit: 3739
Examiner: Peter J. Vrettakos
Confirmation No.: 2778
Title: HANDPIECE FOR TREATMENT OF TISSUE
Atty Docket: 39238-0747 (THERM-06)

Cincinnati, OH

September 12, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. X Small Entity status is claimed.
 Other than a Small Entity.
3. The fee has been calculated as shown below:

09/13/2005 MBINAS 00000029 233000 10072610
01 FC:2253 510.00 DA

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	57	MINUS	111	= 0	x \$25	\$0	x \$50	\$0
INDEP.	2	MINUS	3	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+\$180	\$0	+\$360	\$0
TOTALS					TOTAL FEE	\$	TOTAL FEE	\$0

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

XX No additional fee for claims is required.

4. Attached is a check in the sum of \$_____.

— Please charge my Deposit Account No. 23-3000 in the amount of \$0. A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

- (a) XX Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
___	one month	\$ 120.00	\$ 60.00
___	two months	\$ 450.00	\$225.00
<u>XX</u>	three months	\$1,020.00	\$510.00
___	four months	\$1,590.00	\$795.00
___	five months	\$2,160.00	\$1,080.00

___ Attached is a check in the amount of \$___ for the ___ month extension fee as required by 37 C.F.R. § 1.17(c)

XX Please charge my Deposit Account No. 23-3000 in the amount of \$510.00 . A duplicate copy of this sheet is attached.

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

___ An extension for ___ months has already been secured and the fee paid thereof of \$___ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$___.

OR

(b)___ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

William R. Allen
William R. Allen
Reg. No. 48,389

2700 Carew Tower
Cincinnati, Ohio 45202
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I hereby certify that this correspondence is being sent via facsimile transmission to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile Number: (571) 273-8300; Attention: Examiner Peter J. Vrettakos on September 12, 2005.

William R. Allen
William R. Allen, Reg. No. 48,389

12 September 2005
Date

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stern et al. Confirmation No.: 2778
Serial No.: 10/072,610
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Attorney Docket: 39238-0747 (THERM-06)

Cincinnati, Ohio 45202

September 12, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 CFR § 1.111

In response to the non-final Office Action mailed on March 11, 2005, please amend the above-identified application as follows:

Amendments to the specification begin on page 2 of this paper.

Amendments to the claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 12 of this paper.

-1-